

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No.: EB-FIELDSCR-13-00008645
)	
Jason R. Humphreys)	NAL/Acct. No.: 201432700003
)	
Seffner, Florida)	FRN: 0023473317
)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE
ILLEGAL OPERATION OF SIGNAL JAMMING DEVICE**

Adopted: April 23, 2014**Released: April 29, 2014**

By the Commission:

I. INTRODUCTION

1. We find Jason R. Humphreys apparently liable for a forfeiture of \$48,000 for using a cell phone jammer in his car during his daily commute between Seffner and Tampa, Florida. Mr. Humphreys' illegal operation of the jammer apparently continued for up to two years, caused actual interference to cellular service along a swath of Interstate 4, and disrupted police and other emergency communications. Due to the nature and extended duration of Mr. Humphreys' violations, we take an aggressive approach and propose the per violation statutory maximum of \$16,000 for each of the offenses—unauthorized operation, use of an illegal device, and causing intentional interference.

2. Cell and other signal jammers operate by transmitting radio signals that overpower, block, or interfere with authorized communications. While these devices have been marketed with increasing frequency over the Internet, their use in the United States is generally unlawful.¹ Jammers are designed to impede authorized communications, thereby interfering with the rights of the general public and legitimate spectrum users. They may also disrupt critical emergency communications between first responders, such as public safety, law enforcement, emergency medical, and emergency response personnel. Similarly, jammers can endanger life and property by preventing individuals from making 9-1-1 or other emergency calls or disrupting communications essential to aviation and marine safety.

3. In order to protect the public and preserve unfettered access to and use of emergency and other communications services, the Act generally prohibits the importation, use, marketing, manufacture, and sale of jammers.² The Commission has issued several enforcement advisories and consumer alerts emphasizing the importance of strict compliance in this area and encouraging public participation through the Commission's jammer tip line.³ We expect individuals and businesses to take immediate steps to

¹ In this regard, we note that there are several narrow exceptions that apply outside the context of jammer use by (or sales to) individuals or businesses in the United States. For example, in very limited circumstances and consistent with applicable procurement requirements, jamming devices may be marketed to the federal government for authorized, official use. *See* 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(d).

² 47 U.S.C. § 302a(b).

³ *See Cell Jammers, GPS Jammers and Other Jamming Devices*, FCC Enforcement Advisory, 27 FCC Rcd 2309 (2012); *Cell Jammers, GPS Jammers and Other Jamming Devices*, FCC Enforcement Advisory, 26 FCC Rcd 1327 (2011). These advisories, along with frequently asked questions related to the jamming prohibition, are available at (continued....)

ensure compliance and to avoid any recurrence of this type of misconduct, including ceasing operation of any signal jamming devices that may be in their possession, custody, or control. We also strongly encourage all users of these devices to voluntarily relinquish them to Commission agents either in connection with a Commission investigation or by calling the jammer tip line at 1-855-55-NOJAM (or 1-855-556-6526).

II. BACKGROUND

4. On April 29, 2013, the Enforcement Bureau (Bureau) received a complaint from Metro PCS⁴ that its cell phone tower sites had been experiencing interference during the morning and evening commutes in Tampa, Florida. Based on the location of the towers and the times that the alleged interference occurred, the Bureau determined that the likely source of the interference was mobile along Interstate 4 between downtown Tampa and Seffner, Florida.

5. On May 7, 2013, agents from the Bureau's Tampa Office (Tampa Office) initiated an investigation into this matter and monitored the suspected route. On May 7, 8, and 9, 2013, the agents determined, using direction finding techniques, that strong wideband emissions within the cellular and PCS bands (*i.e.*, the 800 MHz to 1900 MHz band) were emanating from a blue Toyota Highlander sport utility vehicle (SUV) with a Florida license plate. On May 9, 2013, the Hillsborough County Sheriff's Office (Hillsborough Sheriff), working closely with the agents from the Tampa Office, stopped the Toyota Highlander SUV. The Hillsborough Sheriff deputies reported that communications with police dispatch over their 800 MHz two-way portable radios were interrupted as they approached the SUV.⁵

6. The agents from the Tampa Office and the Hillsborough Sheriff deputies interviewed the driver, who identified himself as Jason Humphreys. Mr. Humphreys admitted that he owned and had operated a cell phone jammer from his car for the past 16 to 24 months. An inspection of the vehicle revealed the cell phone jammer behind the seat cover of the passenger seat. Mr. Humphreys stated that he had been operating the jammer to keep people from talking on their cell phones while driving. At the conclusion of the interview, the Hillsborough Sheriff deputies seized Mr. Humphreys' cell phone jammer pursuant to Florida state law. On the following day, May 10, 2013, Metro PCS confirmed that the interference to its cell towers had ceased. On June 14, 2013, agents from the Tampa Office tested the seized cell phone jammer and confirmed that it was capable of jamming cellular and PCS communications in at least three frequency bands: 821-968 MHz, 1800-2006 MHz, and 2091-2180 MHz.

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<http://www.fcc.gov/jammers>. On October 15, 2012, the Bureau also launched a dedicated jammer tip line (1-855-55-NOJAM (or 1-855-556-6526)) to make it easier for the public to report the use or sale of illegal cell phone, GPS, or other signal jammers. *See Cell Jammers, GPS Jammers and Other Jamming Devices*, FCC Enforcement Advisory, 27 FCC Rcd 12945.

⁴ In 2013, T-Mobile USA, Inc., and MetroPCS Communications, Inc., merged and formed a new company named "T-Mobile US, Inc.," following the FCC's authorization permitting the parties to transfer control of the licenses involved in the transaction. *See Applications of Deutsche Telekom AG, T-Mobile USA, Inc., and MetroPCS Communications, Inc. For Consent To Transfer of Control of Licenses and Authorizations*, Memorandum Opinion and Order and Declaratory Ruling, 28 FCC Rcd 2322 (WTB/IB 2013); *International Section 214 Notice of Consummation* (filed May 17, 2013); *International Authorizations Granted*, Public Notice, 28 FCC Rcd 8006, 8008 (2013). Currently, T-Mobile US, Inc. provides service in the Tampa area under the brand name "Metro PCS." For purposes of this NAL, we refer to this company as "Metro PCS."

⁵ Public safety radio systems (such as those used by police, firefighters, and emergency medical technicians) operate in several portions of the 800 MHz band, which consists of spectrum at 806-824 MHz paired with spectrum at 851-869 MHz.

III. DISCUSSION

A. Applicable Law

7. Federal law prohibits the operation of jamming devices in the United States and its territories. Section 301 of the Act prohibits the use or operation of “any apparatus for the transmission of energy or communications or signals by radio” within the United States and its territories unless such use is licensed or authorized.⁶ Section 333 of the Act expressly states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.”⁷ In addition, Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.”⁸

8. The applicable implementing regulations for Section 302(b) of the Act are set forth in Sections 2.803, 2.805, 2.807, 15.1(c), 15.3(o), and 15.201 of the Rules.⁹ Section 2.805(a) of the Rules provides in relevant part that, except in a few narrow circumstances not pertinent here, “[a] radio frequency device may not be operated prior to equipment authorization.”¹⁰ In addition, pursuant to Sections 15.1(c) and 15.201(b) of the Rules,¹¹ intentional radiators¹² cannot be operated in the United States or its territories unless they have first been authorized in accordance with the Commission’s certification procedures.¹³

9. Jamming devices cannot be certified or authorized because their primary purpose is to block or interfere with authorized communications and their use would compromise the integrity of the nation’s communications infrastructure. Thus, jamming devices such as the one used by Mr. Humphreys cannot comply with the FCC’s technical standards and, therefore, cannot be lawfully operated in the United States or its territories. In short, under Section 302(b) of the Act, radio frequency devices like signal jamming devices are per se illegal for use by consumers such as Mr. Humphreys.¹⁴

B. Illegal Operation of Cellular Jamming Device

10. As discussed above, on May 7, 8, and 9, 2013, agents from the Tampa Office observed an illegal cell phone jamming device in use in the Blue Toyota Highlander SUV operated by Mr. Humphreys. Mr. Humphreys admitted to the agents that he purchased, owned, and used the device to block cell phone communications of nearby drivers for 16 to 24 months. Such operation could and may have had disastrous consequences by precluding the use of cell phones to reach life-saving 9-1-1 services provided by police, ambulance, and fire departments.¹⁵ It also could have disrupted critical

⁶ 47 U.S.C. § 301.

⁷ *Id.* § 333.

⁸ *Id.* § 302a(b) (emphasis added).

⁹ 47 C.F.R. §§ 2.803, 2.805, 2.807, 15.1(c), 15.3(o), 15.201, 15.3(o).

¹⁰ *Id.* § 2.805(a).

¹¹ *Id.* §§ 15.1(c), 15.201(b).

¹² An “intentional radiator” is a “device that intentionally generates and emits radio frequency energy by radiation or induction.” *Id.* § 15.3(o). Under this definition, signal jamming devices are intentional radiators.

¹³ *See id.* §§ 22.377, 24.51, 27.51, 90.203 (requiring certification of transmitters that operate in the public mobile service, personal communications service, miscellaneous wireless communications service, and private land mobile radio services).

¹⁴ 47 U.S.C. § 302a(b).

¹⁵ Passengers in moving vehicles or drivers stranded on the road who may have been attempting to make emergency calls could have had their communications disrupted.

communications of first responders driving on the highway near Mr. Humphreys' vehicle. In fact, in this case, Mr. Humphreys' cell phone jammer interfered with police radio communications.¹⁶ Thus, based on the evidence before us, we find that Mr. Humphreys apparently willfully and repeatedly violated Sections 301, 302(b), and 333 of the Act, and Sections 2.805(a) and 15.1(c) of the Rules by operating a cell phone jammer.¹⁷

C. Proposed Forfeiture

11. Section 503(b) of the Act provides that any person who willfully¹⁸ or repeatedly¹⁹ fails to comply substantially with the terms and conditions of any license, or willfully or repeatedly fails to comply with any of the provisions of the Act or of any rule, regulation, or order issued by the Commission thereunder, shall be liable for a forfeiture penalty.²⁰ Pursuant to the Commission's *Forfeiture Policy Statement* and Section 1.80 of the Rules, the base forfeiture amount for (1) operation without an instrument of authorization is \$10,000; (2) use of unauthorized or illegal equipment is \$5,000; and (3) interference to authorized communications is \$7,000.²¹ The Commission retains the discretion, however, to issue a higher or lower forfeiture than provided in the *Forfeiture Policy Statement* or to apply alternative or additional sanctions as permitted by the statute, subject to the statutory cap.²² For violations of the signal jamming prohibition by individuals, the Act authorizes monetary forfeitures of up to \$16,000 for *each* violation or, in the case of a continuing violation, the Commission may impose monetary

¹⁶ Many cell jammers can block more than just cell phone calls; these devices can disrupt radio communications on any device that operates on frequencies within or adjacent to its range. In addition, some so-called "cell jamming" devices are designed to jam not only cellular signals, but also Global Positioning System (GPS) signals. We also note that the statutory and regulatory prohibitions against interference with authorized radio communications are not limited to cases in which the operator of an interfering device acts maliciously or with potentially dangerous effects. For instance, Section 333 of the Act prohibits interfering with radio communications if done willfully, without any malicious intent and without regard to potential threats to public safety. See 47 U.S.C. § 333 (prohibiting anyone from "willfully or maliciously" interfering with any authorized radio communication) (emphasis added).

¹⁷ See 47 U.S.C. §§ 301, 302a(b), 333; 47 C.F.R. §§ 2.805(a), 15.1(c).

¹⁸ Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312 clarifies that this definition of willful applies to Sections 312 and 503 of the Act, H.R. Rep. No. 97-765 (1982) (Conf. Rep.), and the Commission has so interpreted the term in the Section 503(b) context. See *So. Cal. Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88, para. 5 (1991) (*Southern California*), *recons. denied*, Memorandum Opinion and Order, 7 FCC Rcd 3454 (1992).

¹⁹ Section 312(f)(2) of the Act, which also applies to forfeitures assessed pursuant to Section 503(b) of the Act, defines "repeated" as "the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2); see also *Southern California*, 6 FCC Rcd at 4388, para. 5.

²⁰ 47 U.S.C. § 503(b).

²¹ *Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80. In 2013, the Commission adjusted many of its base forfeiture amounts to account for inflation, but did not adjust the base forfeiture amounts for the violations at issue here. See *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 28 FCC Rcd 10785 (Enf. Bur. 2013).

²² See 47 C.F.R. § 1.80(b)(8), Note ("The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute."); see *infra* note 23.

forfeitures of up to \$16,000 for *each day* of such continuing violation up to a maximum forfeiture of \$112,500 for any single act or failure to act.²³

12. In assessing the appropriate monetary penalty for the misconduct at issue, we must take into account the statutory factors set forth in Section 503(b)(2)(E) of the Act, which include the nature, circumstances, extent, and gravity of the violations, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.²⁴ As explained above, Mr. Humphreys operated a cellular jamming device, which is illegal and prohibited for consumer use in the United States. While jammer operation violations are egregious *per se*, we note that Mr. Humphreys' conduct was particularly troubling due to the extended duration of the violations (*i.e.*, between 16 and 24 months) and the fact that his operation of the jammer also interfered with police two-way radios used to ensure officer safety and permit coordination between and among officers on-scene and police dispatch. We find these actions to be particularly egregious, warranting an upward adjustment of the base forfeiture amounts consistent with the Commission's approach in *Supply Room*.²⁵

13. Under this approach, we find that Mr. Humphreys apparently committed three separate violations of the Act and our rules for the jammer at issue.²⁶ For the unauthorized operation and illegal

²³ See 47 U.S.C. § 503; 47 C.F.R. § 1.80(b)(7). These amounts are subject to further adjustment for inflation and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation. See 47 C.F.R. § 1.80(b)(9); see also *supra* note 21. On September 13, 2013, the statutory maximum forfeiture penalties for violations of Commission rules were adjusted for inflation. See *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 28 FCC Rcd 10785 (Enf. Bur. 2013); see also *Inflation Adjustment of Monetary Penalties*, 78 Fed. Reg. 49,370-01 (Aug. 14, 2013) (setting September 13, 2013, as the effective date for the increases). The statutory maximum forfeiture for violations occurring after that date by non-licensees like Mr. Humphreys increased from \$112,500 to \$122,500. *Id.* Given, however, that the violations here occurred prior to September 13, 2013, the applicable maximum penalties are based on the Commission's previous inflation adjustment that became effective on September 2, 2008. See *Inflation Adjustment of Maximum Forfeiture Penalties*, 73 Fed. Reg. 44,663, 44,664 (July 31, 2008).

²⁴ 47 U.S.C. § 503(b)(2)(E).

²⁵ See *The Supply Room, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4981 (2013) (proposing in a signal jammer case a \$16,000 forfeiture amount per jammer for the unlawful operation violation, an additional \$16,000 forfeiture amount per jammer for the unauthorized equipment violation, and another \$16,000 forfeiture amount per jammer for an interference violation that continued for at least two years) (*Supply Room*). *Accord Taylor Oilfield Mfg., Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4972 (2013) (proposing in a signal jammer case a \$16,000 forfeiture amount per jammer for the unlawful operation violation, an additional \$16,000 forfeiture amount per jammer for the unauthorized equipment violation, and a \$10,000 forfeiture amount for the companion interference violation that occurred for a few months); *Gary P. Bojczak*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 11589 (2013) (proposing in a signal jammer case a \$16,000 forfeiture amount per jammer for the unlawful operation violation, an additional \$16,000 forfeiture amount per jammer for the unauthorized equipment violation, and a \$7,000 forfeiture amount for the companion interference violation, upwardly adjusted to \$10,500, given the harm to public safety) (*Gary Bojczak*).

²⁶ See 47 U.S.C. §§ 301, 302a(b), 333; 47 C.F.R. §§ 2.805(a), 15.1(c). See also *Directlink, LLC*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 37 (Enf. Bur. 2013) (finding operator apparently violated Sections 301 and 302(b) by operating a transmitter without dynamic frequency selection (DFS) required for certification on an unauthorized frequency); *Skybeam Acquisition Corp.*, Notice of Apparent Liability for Forfeiture and Order, 27 FCC Rcd 11337 (Enf. Bur. 2012) (finding operator apparently violated Sections 301 and 302(b) by operating a transmitter without DFS functionality required for certification on an unauthorized frequency); *VPNet, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 27 FCC Rcd 2879 (Enf. Bur. 2012) (finding operator apparently violated Sections 301 and 302(b) by operating a transmitter with an unauthorized antenna connector voiding certification without a license). *Cf. Scottsdale Lexus*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 639 (Enf. Bur. 2011) (finding only Section 301 violation where the operator used certified radios on unauthorized frequencies).

equipment violations, we will propose a forfeiture of \$16,000 per violation, the maximum per violation forfeiture authorized by statute and consistent with Commission precedent.²⁷ For the companion interference violation, we start with a \$7,000 base forfeiture, but conclude that an upward adjustment up to the maximum per violation forfeiture authorized (i.e., \$16,000) is warranted based on the facts and circumstances of this case: (a) operating a jammer in frequency bands used by law enforcement officials; (b) causing interference to a potentially very large number of cell phone subscribers (i.e., drivers during rush hour on Interstate 4 between Seffner and Tampa, Florida); and (c) operating a jammer for an extended period of time (i.e., between 16 and 24 months).²⁸ Therefore, consistent with the *Forfeiture Policy Statement*, Section 1.80 of the Rules, and the statutory factors discussed above, we conclude that Mr. Humphreys is apparently liable for a total forfeiture in the amount of forty-eight thousand dollars (\$48,000).²⁹

IV. ORDERING CLAUSES

14. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's rules, Jason R. Humphreys is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount forty-eight thousand dollars (\$48,000) for violations of Sections 301, 302(b), and 333 of the Act, and of Sections 2.805(a) and 15.1(c) of the Commission's rules.³⁰

15. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules, within thirty (30) calendar days after the release date of this Notice of Apparent Liability for Forfeiture, Jason R. Humphreys **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

16. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Jason R. Humphreys will also send electronic notification on the date said payment is made to SCR-Response@fcc.gov. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.³¹ When completing the FCC Form 159, enter the Account Number in block

²⁷ See *supra* note 25.

²⁸ See *Supply Room*, 28 FCC Rcd at 4986, paras. 13–14 (upwardly adjusting the base forfeiture for the interference violation (that occurred for at least two years) up to the statutory maximum per violation (i.e., \$16,000); *Gary Bojczak*, 28 FCC Rcd at 11593, para. 4 (applying a 50 percent upward adjustment to the base forfeiture amount for interference to public safety operations).

²⁹ 47 C.F.R. § 1.80(b)(7). Based on the evidence in the record, we further find that these violations were continuing violations, which lasted more than 16 months. As such, the proposed forfeiture is substantially lower than the amount that would result from a straightforward application of the statutory maxima permitted under a continuing violation approach, which would yield a forfeiture in excess of \$337,000. See *supra* para. 11. We may pursue alternative or more aggressive sanctions in the future (such as application of the continuing violation approach) should the per violation approach set forth in this NAL prove ineffective in deterring the unlawful operation of jamming devices. We are mindful of the serious risks posed by signal jamming devices and the apparent need to provide greater incentives for individuals and businesses to cease the operation of these devices altogether.

³⁰ 47 U.S.C. §§ 301, 302a(b), 333, 503(b); 47 C.F.R. §§ 1.80, 2.805(a), 15.1(c). While we understand the amount of the forfeiture proposed herein may be sizable for an individual, we find it appropriate given the significant safety concerns raised by the violations at issue. Consistent with Section 503 of the Act, 47 U.S.C. § 503, we note that in response to this NAL, Mr. Humphreys can provide information about his financial condition and ability to pay, which could result in a reduced forfeiture based on Mr. Humphreys' particular financial circumstances. See, e.g., *Geneva Walker*, Forfeiture Order, 28 FCC Rcd 6179, 6180, para. 5 (Enf. Bur. 2013). We further note that we also have previously rejected inability to pay claims in cases of repeated violations. See *id.*

³¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

17. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.³² If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

18. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to Sections 1.16 and 1.80(f)(3) of the Rules.³³ Mail the written statement to Federal Communications Commission, Enforcement Bureau, South Central Region, Tampa Office, 4010 W. Boy Scout Blvd., Suite 425, Tampa, Florida 33607, and include the NAL/Acct. No. referenced in the caption. Jason R. Humphreys also shall e-mail the written response to SCR-Response@fcc.gov.

19. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (GAAP); or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

20. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to Jason R. Humphreys at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

³² See 47 C.F.R. § 1.1914.

³³ 47 C.F.R. §§ 1.16, 1.80(f)(3).